

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

**DUTY FREE AMERICAS, INC.
f/k/a WORLD DUTY FREE
AMERICAS, INC., f/k/a DUTY
FREE INTERNATIONAL, INC.**

Plaintiff

Civil Action No. CCB 03 CV 432

v.

**PROSERVE CORPORATION,
a Colorado Corporation and
Joseph M. Aragon, Individually**

Defendants

v.

SIMON FALIC

Counterclaim Defendant

* * * * *

**DEFENDANT, JOSEPH M. ARAGON'S, MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION, OR, IN THE
ALTERNATIVE, TO TRANSFER VENUE**


Defendant, Joseph M. Aragon, by his undersigned counsel, moves, pursuant to Fed. R. Civ. P. 12(b)(2) and 28 U.S.C. § 1404(a), for an Order dismissing the action against him for lack of personal jurisdiction or, alternatively, severing and transferring the claims as against him to the United States District Court for the District of Colorado.

1. As explained more fully in Mr. Aragon's supporting memorandum of law, which is adopted by reference herein, Mr. Aragon has insufficient contacts with Maryland to permit this Court to exercise personal jurisdiction over him.

2. In the alternative, the balance of factors to be considered under 28 U.S.C. § 1404(a) weighs in favor of severing the Plaintiff's claims against Mr. Aragon and transferring them to the United States District Court for the District of Colorado.

3. And for any reason raised at any hearing or deemed just by this Court.

WHEREFORE, Defendant, Joseph M. Aragon, respectfully requests that this Court dismiss the complaint as against him, or, alternatively, sever and transfer the claims against him to the United States District Court for the District of Colorado, and that the Court grant such other and further relief as may be just.



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Attorneys for Defendant/Counter-Plaintiff,
ProServe Corporation and Defendant,
Joseph M. Aragon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2003, a copy of the foregoing Defendant, Joseph M. Aragon's, Motion to Dismiss for Lack of Personal Jurisdiction, or, in the Alternative, to Transfer Venue, was served, first class mail, postage prepaid to:

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Attorney for Plaintiff



Lee B. Rauch